



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 29, 1996

Mr. Clarence Walker  
Assistant City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR96-0277

Dear Mr. Walker:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code (the "act"). Your request was assigned ID# 37725.

The Lubbock Police Department (the "department") received a request for "the police department's daily dispatch logs, which may also be known as radio logs, radio cards or other name(s) used to describe the police department's records relating to all calls answered by the police department in each daily 24 hour period." In addition, the requestor seeks "appropriate accomodation for on-going, continuing access to the requested information." You have raised no specific exceptions under the act to the requested information but claim (1) that the request is overbroad and vague because the requestor failed to name a specific time frame and (2) that you are not obligated under the act to provide the requestor with on-going, continuing access to the requested information.

Numerous opinions of this office have addressed situations in which a governmental body has received either an "overbroad" written request for information or a written request for information that the governmental body is unable to identify. In Open Records Decision No. 561 (1990), this office stated:

[A] governmental body must make a good faith effort to relate a request to information held by it. Open Records Decision No. 87 (1975). It is nevertheless proper for a governmental body to require a requestor to identify the records sought. Open Records Decision Nos. 304 (1982); 23 (1974). For example, where governmental bodies have been presented with broad requests for information

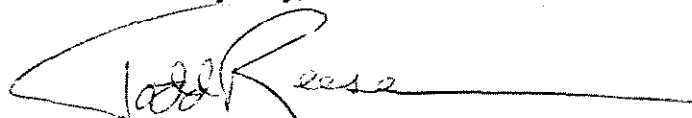
rather than specific records we have stated that the governmental body may advise the requestor of the types of information available so that he may properly narrow his request. Open Records Decision No. 31 (1974).<sup>1</sup>

Open Records Decision No. 561 (1990) at 8-9 (footnote added). You state that you have asked the requestor to clarify his request to specify a time frame. Having timely requested this clarification, we conclude that you need not respond to this specific request until such time as the request is clarified.

Turning to your argument that you are not obligated under the act to provide the requestor with on-going access to the requested information, we agree. While chapter 552 does not prohibit a governmental body from voluntarily complying with a standing request for information, neither does chapter 552 *require* a governmental body to comply with a standing request for information to be collected or prepared in the future. See Attorney General Opinion JM-48 (1983). Additionally, the Chapter 552 does not require a governmental body to disclose information that did not exist at the time the request was received. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.-San Antonio 1978, writ dismissed); Open Records Decision No. 452 (1986) at 3. As the request seeks information which has not yet been created, the city need not comply with this portion of the request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/ch

Ref.: ID# 37725

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<sup>1</sup>We note that in the last legislative session, the Government Code was amended to add a provision stating that if a request for information is unclear, a governmental body may ask the requestor to clarify the request. Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 15, 1995 Tex. Sess. Law Serv. 5127, 5134 (to be codified at Gov't Code § 552.222(b)).

cc: Mr. Larry J. Laurent  
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